

IC 13-15-7

Chapter 7. Revocation or Modification of Permits; Appeal of Revocation or Modification

IC 13-15-7-1

Criteria for revocation or modification of permit

Sec. 1. Except as provided in sections 2 and 4 of this chapter, the commissioner or a designated staff member may revoke or modify a permit granted by the department under environmental management laws or IC 13-7 (before its repeal) for any of the following causes:

- (1) Violation of any condition of the permit.
- (2) Failure to disclose all of the relevant facts.
- (3) Any misrepresentation made in obtaining the permit.
- (4) Changes in circumstances relating to the permit that require either a temporary or permanent reduction in the discharge of contaminants.
- (5) Any other change, situation, or activity relating to the use of a permit that, in the judgment of the department, is not consistent with the following:
 - (A) The purposes of this title.
 - (B) Rules adopted by one (1) of the boards.

As added by P.L.1-1996, SEC.5. Amended by P.L.224-1999, SEC.6; P.L.14-2000, SEC.36.

IC 13-15-7-2

Criteria for revision of operating permit

Sec. 2. The commissioner shall reopen and revise a permit issued under the operating permit program of 42 U.S.C. 7661 through 7661f before the expiration of the permit when any of the following conditions exist:

- (1) Additional federal requirements become applicable to a source whose permit allows at least three (3) more years of continued operation. However, a permit does not have to be revised if the additional requirements will not become effective until after the date the permit expires. A permit revision to address additional requirements must be completed by the commissioner not more than eighteen (18) months after the adoption of the additional requirements.
- (2) Additional requirements become applicable to the permitted source under the acid rain program. Upon approval by the United States Environmental Protection Agency, an excess offset emissions plan is considered to be incorporated into the permit.
- (3) The commissioner or the United States Environmental Protection Agency determines that:
 - (A) the permit contains a material mistake; or
 - (B) inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.
- (4) The commissioner or the Administrator of the United States

Environmental Protection Agency determines that the permit must be revised or revoked to assure compliance with the applicable federal requirements (as defined in 40 CFR 70.2).
As added by P.L.1-1996, SEC.5.

IC 13-15-7-3

Objections and appeal

Sec. 3. A person aggrieved by the revocation or modification of a permit may appeal the revocation or modification to the office of environmental adjudication for an administrative review under IC 4-21.5-3. Pending the decision resulting from the hearing under IC 4-21.5-3 concerning the permit revocation or modification, the permit remains in force. However, the commissioner may seek injunctive relief with regard to the activity described in the permit while the decision resulting from the hearing is pending.

As added by P.L.1-1996, SEC.5. Amended by P.L.25-1997, SEC.7.

IC 13-15-7-4

Changes not requiring permit revision

Sec. 4. (a) This section applies to a facility that:

- (1) has been issued an operating permit by the air pollution board; or
- (2) is operating without a permit but has made a timely and complete application for a permit under IC 13-17-8-10.

(b) The air pollution control board shall adopt rules under IC 4-22-2 as part of the operating permit program established under 42 U.S.C. 7661 through 7661f providing that a facility may make changes without a permit revision if the following conditions exist:

- (1) The changes are not modifications under any provision of Title I of the federal Clean Air Act (42 U.S.C. 7401 et seq.), as amended by the federal Clean Air Act Amendments of 1990 (P.L.101-549).
- (2) The changes do not exceed emissions:
 - (A) expressed as a rate of emissions; or
 - (B) expressed as total emissions; allowable under the permit.
- (3) The facility provides the commissioner with written notification at least seven (7) days before the proposed changes are made. However, the air pollution control board may adopt rules that provide a different period for notifications that involve emergency situations.

As added by P.L.1-1996, SEC.5.